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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,778	01/30/2002	Takahiro Kaijyu	520.41126X00	4173

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EXAMINER

NGUYEN, MINH CHAU

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,778

Applicant(s)

KAIJYU ET AL.

Examiner

MINH-CHAU N. NGUYEN

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3-5, 7, 8, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tokuyama (US 6,205,445 B1), in view of Casagrande et al. (Casagrande) (US 6,381,709 B1).

Regarding claim 1, Tokuyama teaches a host computer serves as a file distribution apparatus in a communication network system, and denotes one of terminals connected to the host computer for receiving a version-up file distributed (Col. 4, L. 25-33). In the communication network system, it includes many different protocols (ex. internet, http, ftp, etc.) for transmission files from the host to terminals;

Moreover, Tokuyama teaches managing setting information for setting an operating environment, which is used for executing the dedicated program in the client, beforehand (ex. the host computer obtains and manages setting information, that contains hardware type and data file version of the terminal, which is used for executing a version of program in the terminal) (Col. 4, L. 32-45);

In addition, Tokuyama also teaches transmitting the file distribution, which includes the setting information in response to a request from the terminal. Then, at

the terminal, the distributed file is stored in the file storage unit and the version management unit updates the program version of the version storage unit (ex. transmitting the file distribution can be interpreted as transmitting the setting information and the program version) (Col. 6, L. 15 – Col. 7, L. 22);

Tokuyama also teaches transmitting the file data using the dedicated program, according to the setting information (ex. the version-up file may be the file data) (Col. 6, L. 15 – Col. 7, L. 22);

Tokuyama fails to teach that a server uses the HTTP to transmit file data to a client connected via the Internet. However, Casagrande, in the same field of endeavor, teaches using the HTTP to perform tunneling of a file transmission protocol (Col. 1, L. 31-39).

Thus, it would have been obvious to one of ordinary skill in at the art the time the invention was made to have incorporated using HTTP to perform tunneling of a file transmission protocol, as suggested by Casagrande, in the file distribution system and method thereof of Tokuyama, in order to provide a download process and mechanism that simplifies the download process, and improve the likelihood of successful completion of the download.

2. Regarding claim 3, Tokuyama and Casagrande disclose the invention substantially as claimed. Casagrande teaches the file data to be transmitted is divided into data having a fixed size (ex. using TCP as the transport protocol, it

inherits a fixed size Maximum Transmission Unit (MTU)); and the data is compressed (Col. 5, L. 55-65; and Col. 1, L. 50-62).

3. Regarding claim 4, Tokuyama and Casagrande disclose the invention substantially as claimed. Casagrande teaches a file transmitting method according to Claim 4, wherein: a checkpoint is given to the divided file data; and when a failure occurs, the checkpoint is used to retransmit the file data from the checkpoint (ex. restarting the download from the offset at which a failure occurs, and an interrupted download may be restarted where it left off) (abstract; and Col. 1, L. 53-Col. 2, L. 16; and Col. 5, L. 13-21; and Col. 11, L. 9-26).
4. Regarding claim 5, Tokuyama and Casagrande disclose the invention substantially as claimed. Casagrande teaches a file transmitting method according to Claim 5 wherein: the dedicated program is platform is so devised that multi-platform is supported (Col. 7, L. 40-46; and Col. 8, L. 39-46); and Casagrande teaches the dedicated program is downloaded from the server as part of operation of the client (Col. 4, L. 10-20; and Col. 6, L. 53-65).
5. Regarding claim 7, Tokuyama teaches in a communication network system, a host computer serves as a file distribution apparatus denotes one of terminals connected to the host computer for receiving a version-up file distributed; and also a request for file distribution is transmitted from the terminal to the host

computer, which used in a dedicated program, from the host computer in response to an instruction to transmit the file data to the host computer (Col. 4, L. 25-33, and Col. 6, L. 15 – Col. 7, L. 23). In the communication network system, it includes many different protocols (ex. internet, http, ftp, etc.) for transmission files from the host to the terminals or from the terminals to the host computer;

Moreover, Tokuyama teaches receiving setting information for setting an operating environment, which is used for executing the dedicated program (Col. 7, L. 10-38);

Tokuyama teaches making a first judgment whether or not the setting information has already been stored (Col. 6, L. 60-9);

Tokuyama teaches if the setting information has already been stored, making a second judgment whether or not contents of the setting information has been changed (Col. 7, L. 4-23);

Tokuyama teaches updating the setting information in response to results of the first and the second judgment (Col. 7, L. 16-23); and

Tokuyama teaches transmitting the file using the dedicated program, according to the setting information (ex. the version-up file may be the file data) (Col. 6, L. 15 – Col. 7, L. 22).

Tokuyama fails to teach using the HTTP to transmit file data to the host computer connected via the Internet. However, Casagrande, in the same field of endeavor, teaches using the HTTP to perform tunneling of a file transmission protocol (Col. 1, L. 31-39).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated using the HTTP to perform tunneling of a file transmission protocol, as suggested by Casagrande, in the file distribution system and method thereof of Tokuyama, in order to provide a download process and mechanism that simplifies the download process, and improve the likelihood of successful completion of the download.

6. Regarding claim 8, Tokuyama teaches a transmitting file data between the terminal and the host computer, comprising: a dedicated program that uses a communication network with authorization (or security) to transmit the file data (Col. 4, L. 25-33; and Col. 2, L. 50-56). In the communication network system, it includes many different protocols (ex. internet, http, ftp, etc.) for transmission files between the host and terminals; and

Moreover, Tokuyama teaches setting information for setting an operating environment, which is used for executing the dedicated program (ex. the host computer obtains setting information, that contains hardware type and data file version of the terminal, which is used for executing a version of program in the terminal) (Col. 4, L. 32-45).

Tokuyama fails to teach using the HTTP to transmit file data to the host computer connected via the Internet. However, Casagrande teaches using the HTTP to perform tunneling of a file transmission protocol (Col. 1, L. 31-39).

Thus, it would have been obvious to one of ordinary skill in the art the time the invention was made to have incorporated using the HTTP to perform tunneling of a file transmission protocol, as suggested by Casagrande, in the file distribution system and method thereof of Tokuyama, in order to provide security for transmitting file data using the HTTP.

7. Regarding claim 11, Tokuyama and Casagrande disclose the invention substantially as claimed. Tokuyama teaches a file transmitting system according to Claim 11, wherein: setting information, which is used for executing the dedicated program, is downloaded from the server to the client (ex. the host computer obtains setting information, that contains hardware type and data file version of the terminal, which is used for executing a version of program in the terminal) (Col. 4, L. 32-45; and Col. 6, L. 15-Col. 7, L. 23).
8. Claims 2, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tokuyama in view of Casagrande as applied to claim 1 above and further in view of Morag et al. (Morag) (6,058,399).
9. Regarding claim 2, Tokuyama and Casagrande are relied upon for the disclosure set forth in the previous rejection. Tokuyama and Casagrande fail to disclose a batch file. However, Casagrande discloses transferring files which includes many commands, from the server over a network to the clients (Col. 8, L. 18-32), such

suggestion would motivate one ordinary skilled in the art to seek a practical and effective way of doing so. Morag, from the same field of endeavor, teaches transmitting a batch file (Col. 9, L. 10-20).

Thus, it would have been obvious to one of ordinary skill in the art the time the invention was made to have incorporated transmitting a batch file, as suggested by Morag, in the process and apparatus for downloading data from a server computer to a client computer of Casagrande with the file distribution system and method thereof of Tokuyama, in order to upload large amounts of data, which will be create a more user friendly system.

10. Regarding claim 10, Tokuyama and Casagrande are relied upon for the disclosure set forth in the previous rejection. Tokuyama teaches at least one of a version management function of the dedicated program (Col. 6, L. 15 – Col. 7, L. 23), and

Casagrande teaches a file downloading function, a function of divided transmission of file data, a function of compressing transferred data, (ex. using TCP as the transport protocol, it inherits a fixed size Maximum Transmission Unit (MTU)) (Col. 5, L. 50-65; and Col. 1, L. 50-62).

Casagrande teaches also a function of retransmission from a checkpoint, a function of monitoring timer (ex. restarting the download from the offset at which a failure occurs, and an interrupted download may be restarted where it left off) (abstract; and Col. 1, L. 53-Col. 2, L. 16; and Col. 5, L. 13-21; and Col. 11, L. 9-26).

However, Tokuyama and Casagrande fail to disclose a file uploading function. Casagrande discloses a ftp function which also allows client to transfer file to the server. The ftp can be interpreted as a form of uploading the file; such suggestion would motivate one ordinary skilled in the art to seek a practical and effective way of doing so. Morag teaches a file uploading function (Col. 6, L. 19-34).

Thus, it would have been obvious to one of ordinary skill in the art the time the invention was made to have incorporated a file uploading function, as suggested by Morag, in the process and apparatus for downloading data from a server computer to a client computer of Casagrande with the file distribution system and method thereof of Tokuyama, in order to upload large amounts of data, which will be create a more user friendly system;

In addition, Tokuyama and Casagrande fail to disclose functioning of monitoring timer is implemented in the HTTP. Tokuyama teaches a transmitting file data between the terminal and the host computer in a communication network system with the authorization (or security) (Col. 4, L. 25-33; and Col. 2, L. 50-56). In the communication network system, it includes many different protocols (ex. internet, http, ftp, etc.) for transmission files between the host and terminals, such suggestion would motivate one ordinary skilled in the art to seek a practical and effective way of doing so. Casagrande discloses function of monitoring timer is implemented in the HTTP (Col. 1, L. 32-40; and Col. 11, L. 9-26)

Thus, it would have been obvious to one of ordinary skill in the art the time the invention was made to have incorporated using the HTTP to perform tunneling of a

Art Unit: 2145

file transmission protocol, as suggested by Casagrande, in the file distribution system and method thereof of Tokuyama, in order have security for the monitoring timer implemented in the HTTP.

11. Claims 6, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tokuyama and Casagrande as applied to claims 1, 8 above, and further in view of Perona et al. (Perona) (US 6,671,809 B1).

12. Regarding claim 6, Tokuyama and Casagrande are relied upon for the disclosure set forth in the previous rejection. Tokuyama and Casagrande fail to disclose an electronic certificate. However, Tokuyama discloses an ID, which identifies a version information, is held in the host computer (Col. 5, L. 36-45), such suggestion would motivate one ordinary skilled in the art to seek a practical and effective way of doing so. Perona teaches an electronic certificate, which identifies a manufacturer, added to the dedicated program (Col. 4, L. 43-55).

Thus, it would have been obvious to one of ordinary skill in the art the time the invention was made to have incorporated an electronic certificate, which identifies a manufacturer, is added to the dedicated program, as suggested by Perona, in the process and apparatus for downloading data from a server computer to a client computer of Casagrande with the file distribution system and method thereof of Tokuyama, in order to perform checking during execution of the modules or

application, and are therefore not capable of asserting additional rules prior to execution to increase system integrity.

13. Regarding claim 9, Tokuyama and Casagrande are relied upon for the disclosure set forth in the previous rejection. Casagrande discloses the dedicated program is so devised that multi-platform is supported (Col. 7, L. 40-46; and Col. 8, L. 39-46);

However, Tokuyama and Casagrande fail to disclose an electronic certificate. Tokuyama discloses an ID, which identifies a version information, is held in the host computer (Col. 5, L. 36-45), such suggestion would motivate one ordinary skilled in the art to seek a practical and effective way of doing so. Perona teaches an electronic certificate, which identifies a manufacturer, is added to the dedicated program (Col. 4, L. 43-55).

Thus, it would have been obvious to one of ordinary skill in the art the time the invention was made to have incorporated an electronic certificate, which identifies a manufacturer, is added to the dedicated program, as suggested by Perona, in the process and apparatus for downloading data from a server computer to a client computer of Casagrande with the file distribution system and method thereof of Tokuyama, in order to perform checking during execution of the modules or application, and are therefore not capable of asserting additional rules prior to execution to increase system integrity.

Art Unit: 2145

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH-CHAU N. NGUYEN whose telephone number is (571)272-4242. The examiner can normally be reached on Monday-Friday from 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VALENCIA M. WALLACE can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Minh-Chau Nguyen
Art Unit: 2145



VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER
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Application/Control Number: 10/058,778

Page 13

Art Unit: 2145

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